

COMMISSION ON COMMON OWNERSHIP COMMUNITIES
 Minutes of the Monthly Meeting
 1401 Rockville Pike, 5th Floor, Rockville, MD 20850
Wednesday, January 8, 2020

The monthly meeting of the Commission on Common Ownership Communities was called to order at 7:06pm by Chairman Mark Fine.

Commissioners present: [11] ETHIER, FINE, GARDNER, GIZA, MALAMUD, MYO KHIN, PERPER, SMITH, STEINBACH, VINEY, YOUNG

Commissioners absent: GELFOUND

Staff present: Tim Goetzinger, DHCA Director of Finance; Walter Wilson, Associate County Attorney; Mark Anders, Staff.

Guests: Dr. Rand Fishbein [former Commissioner], Jo Ellen Bilanin

1. **In Memoriam: Michael Burrows (Commissioner: 2016-2019):** The Chairman spoke for all the Commissioners in expressing our sadness on the death of Commissioner Burrows. The County Executive and the County Council each presented a posthumous Proclamation to Commissioner Burrow's family in thanks for his contributions to the Commission and the County. Former Commissioner, Dr. Rand Fishbein, composed and offered the following two resolutions, which were moved by Commissioner Viney. The motion was approved by unanimous consent.

Resolution Mourning the Passing of Michael "Mike" Burrows:

The Commission hereby recognizes the passing of our dear colleague and friend, Commissioner Michael "Mike" Burrows, on December 10, 2019. Mike was Vice-Chair of the Commission and co-Chair of the Process and Procedures/Information Technology Committee at the time of his death. His warm and engaging personality, dry wit, and folksy aphorisms will be remembered fondly by all who knew him.

Mike's contributions to the CCOC in the field of IT helped launch the CCOC into a new and promising era by ushering in the Commission's first modern digital case management system. From concept to completion, it bore the imprint of his influence and design. With fifty years of experience in the printing and publishing world, Mike was well acquainted with not only the technical design requirements for such a system, but the need for a friendly human-machine interface. The technical team he worked with succeeded beyond all expectations. Today, in large part due to his persistence, the Commission office is a far more professional, efficient, and organized operation than in the past. We, along with the County citizens served by the Commission, owe him a debt of gratitude.

After long nights spent at Commission meetings or hearings, Mike liked nothing more than to be surrounded by good company at one of the local watering holes. Relaxed, with a tall glass of red wine, he would kick back and regale friends with stories of his youth in Washington, battles with government bureaucrats over unreasonable contracts, impossible deadlines, and incomprehensible regulations. Most of all, though, he enjoyed reflecting on his family and his pride at being a husband and a father of two lovely and successful girls.

The Commission lost one of its most colorful and talented personalities with the passing of Mike Burrows. Not only did he have a heart of gold, but an unflappable demeanor as well. Government waste enraged him. Political gaffs amused him. Betting excited him. Human nature fascinated him. Fast cars and interesting people excited him. Though his boisterous voice has been silenced, his influence on the Commission and his colleagues remains as strong as ever. We send our deepest condolences to Mike's family over their loss and pray that they will find comfort in the memories he created and in the love he fostered wherever he went. We shall forever miss our dear colleague and friend.

Resolution Commending Commission Chair, Mark Fine:

The Commission hereby commends our Chairman, Mark Fine, for delivering an eloquent and heartfelt eulogy at the funeral of our great friend, Mike Burrows, on December 17, 2019 at the Pumphrey Funeral Home in Bethesda, MD. Mark spoke for all of his current and former colleagues when he recounted how much Mike loved the Commission and County we serve. Mark conveyed to Mike's family and friends, of which some one hundred were in attendance, not only the sadness we all share at his untimely passing, but the honor we feel to have served with him in the last great endeavor of his life. Even at this dark moment, Mark brought light into the room with his recollections of time spent fishing with Mike, making presentations at community associations, and just shooting the breeze about life's challenges. To each activity Mike always would bring laughter and more than a little self-deprecating humor. Even while shedding a few tears, Mark left the room smiling, as Mike would have, recounting their time together and the gifts of friendship and warmth that he gave us all.

2. **Approval of Minutes:** Commissioner Ethier moved to approve the minutes of the December 10, 2019 monthly meeting as amended, with Commissioner Smith seconding. The motion was approved by unanimous consent.
3. **Community Forum:** A question was asked about the typical cost charged by an association for copies of their insurance policy, which could be prohibitive for a lengthy document. It was suggested that requesting the policy in .pdf format, directly from the insurance company, would be quicker and cheaper.

4. **Submission of disputes for Commission consideration:**

Jurisdiction - Default cases:

#2020-025, Longmead Crossing v. Mwaura

#2020-026, Longmead Crossing v. Bucholz

#2020-027, Longmead Crossing v. Jagne

#2020-033, Longmead Crossing v. Koldaro

Commissioner Ethier moved to accept jurisdiction on all the complaints collectively; Commissioner Malamud seconded. The motion was approved by majority vote, referring the complaint to default hearing panels. Commissioners Gardner and Steinbach abstained.

Jurisdiction - Contested cases: None

5. **Decisions & Orders Issued:** None
6. **Decisions & Orders on Appeal in Circuit Court for Montgomery County, MD:**
#2018-040, Dillin et al, v. The Willoughby of Chevy Chase and

#2018-061, Nadri v. The Willoughby of Chevy Chase (consolidated)

#2019-019, Weinrich v. Tanterra HOA

#2019-070, Washington v. Silverton Condominium

7. **County Attorney's report:** Decision & Order(s) under review by Mr. Wilson – None
8. **DHCA report:** Director Goetzinger presented the statistical report for December 2019 and addressed commissioner's questions.
 - A new staff position of COC Office Coordinator is being considered.
 - The governments of Gaithersburg & Poolesville are in discussions with DHCA regarding their potential membership in the CCOC. Several group presentations to associations within these jurisdictions are planned, which will require the participation of Commissioners.
 - Commissioner Gardner led discussion about using operating funds to pay mediators. Chairman Fine suggested that the Process & Procedures and Legislative Committees discuss the Commission's needs for mediators and explore ways to find them and, if necessary, pay them.
9. **Chairman's Report:**
 - Most association governing documents are now archived in the "cloud". Commissioners and panel Chairs will get a link to access the archive for referencing with complaints.
 - Online training [English] is now live. In order to access the modules, residents will have to register on Access MCG as new user. The modules will not allow fast forwarding, and the quizzes will allow back-browsing only once. The resident can print their Certificate at home, while the system will automatically list the resident in the "Training Verification" database.
 - The on-line Decision & Order search engine, the amended Guide to Decisions & Orders, and Case Management System upgrades are still being worked on and are expected to be completed in February or March.
10. **Committee reports:**
 - a. Education Committee [Members: Commissioners Fine, Gelfound, Giza, MyoKhin, Perper, & Steinbach] --- No report
 - b. Legislative Committee [Members: Commissioners Fine, Gardner (Chair), Malamud, MyoKhin, Viney, & Young] --- Commissioner Gardner went through the latest proposed amendments. The final proposals for Chapter 10B will be distributed to Commissioners for approval at the February Commission meeting.
 - c. IT/Process & Procedures Committee [Members: Commissioners Ethier (Chair), Fine, & Malamud] --- Commissioner Ethier distributed two items for discussion and adoption:
 - 1) **Amendment to the definition of a "meeting"**, reversing decisions reached by a CCOC hearing panel [*#52-12 McBeth* & *#67-12 Muse v. Fountain Hills CA* consolidated], from "a gathering of the Board of Directors or a Board-authorized committee for the purpose of making decisions and taking action (voting), on the association's business" to "a gathering, of any description, of a quorum of the Board of Directors or a Board-authorized committee, for the purpose of conducting, considering, or transacting association business". And, "the Board or committee, and members of same, may not use a gathering, of any description, e.g. "work sessions", to evade open meeting requirements".

Commissioners Viney commented that the current definition of a “meeting” and its resultant “work session” allows volunteer, non-professional, association Boards of Directors some respite from the strict letter of the law that is constraining their activities. The proposed language makes it more difficult and more onerous for associations to do their work, instead of easier. Commissioner Gardner suggested that the Commission might take into account the fact that associations are not subject to the stricter Open Meetings Act that regulates public bodies.

After discussion, Chairman Fine directed Commissioner Ethier to contact the Maryland Assistant Attorney General Karen Straughn for a final ruling.

- 2) **Resolution to govern deliberations at the Commission’s monthly meetings:** Commissioner Ethier moved to accept the resolution, with Commissioner Giza seconding. Discussion followed with Commissioner Gardner questioning if the resolution was necessary. Chairman Fine expressed his displeasure with Commissioners for perceived bad conduct in and out of meetings, giving examples such as talking over the Chair, talking out of turn, and interrupting other Commissioners while they were talking, as well as a lack of attention to their duties, and violations of our Charter (recently added via Bill 50-15). Commissioner Giza suggested that, as the Chairman already had so many responsibilities, perhaps the group should consider a “sergeant-at-arms” to maintain order. After these discussions, the motion was approved as amended by majority vote, Commissioners Gardner and Viney opposed. [Full resolution attached]

- d. Interview Committee [Members: Commissioners Phil Giza (Chair) & Staci Gelfound] --- Commissioner Ethier was asked to extend her final term of service until a successor can be appointed, not to exceed 6 months. This still leaves the Commission in need of three more members, two unit owners and one professional.

11. **Old business:** None
12. **New business:** Annual election of Chairman and Vice-Chairman - Ballots were distributed to the Commissioners, and counted by Mr. Goetzinger & Mr. Wilson. Mark Fine was re-elected Chairman, Peter Myo Khin was elected Vice-Chairman.
13. **Meeting adjourned** at 9:47pm.

Next meeting: Wednesday, FEBRUARY 5, 2020 at 7:00pm

Submitted by Kathy Viney,
Recording Secretary

-Attachment-

RESOLUTION

Whereas, the Commission on Common Ownership Communities (“CCOC”) is an organization created by Montgomery County to deliberate on issues important to a large segment of the housing stock of Montgomery County; and

Whereas, the CCOC’s monthly meetings are open to the public; and

Whereas a degree of formality and decorum is essential to orderly and serious deliberations; and

Whereas, it is important that deliberations of the CCOC are and be perceived as operating in an orderly and serious manner; and

Whereas, Robert’s Rules of Order (“Robert’s Rules”)* are widely recognized as being a reference that provide proper procedures for deliberative bodies,

NOW THEREFORE, the CCOC hereby adopts the following rules taken or inferred from Roberts Rules to govern deliberations at its monthly meetings.

1. The Chair or the Vice-Chair, who normally preside over CCOC monthly meetings, will be addressed as Mr. Chairman.
2. Commissioners must seek recognition from the Chairman before speaking. Commissioners must be recognized even when posing a question to the chair of a committee after a report by the chair of said committee.
3. The Agenda for the meeting, published by the Chair, must be followed unless a topic not on the Agenda is allowed by the Chairman.
4. The Commission has not adopted, and is not hereby adopting, strict limits on participation by any Commissioner, but the Chairman should assure that every Commissioner gets the opportunity to participate and should cut off the debate/discussion when remarks are repetitive and/or inconsistent with the intent of this Resolution.
5. Decorum in debate:
 - a. Listen to the other side
 - b. Focus on issues, not personalities.
 - c. Avoid questioning motives
 - d. Be polite
 - e. Comments and questions should be directed to the Chair and not to other members of the Commission.
6. Other procedural dictates in Robert’s Rules, governing group decisions, will be followed by the CCOC where applicable.

*Robert’s Rules of Order Newly Revised, (11th edition), and Robert’s Rules was consulted.

Adopted by the Montgomery County
Commission on Common Ownership Communities
January 8, 2020